

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA**

HUNTER HEANEY,)
)
Plaintiff,)
)
v.)
)
CENTRAL INTELLIGENCE AGENCY,)
)
Defendant,)

COMPLAINT

1. Plaintiff HUNTER HEANEY brings this suit to overturn Defendant CENTRAL INTELLIGENCE AGENCY's failure to produce records related to U.S. non-military economic development aid to foreign states after over six months of delay.

PARTIES

2. The plaintiff in this case is HUNTER HEANEY, Executive Director of The Voice Project. The Voice Project works to defend freedom of expression and does so in part by aiding activist-artists who speak out against oppression and injustice through music or any other form of expression.

3. Defendant CENTRAL INTELLIGENCE AGENCY is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B) because this District is always a permissible venue for federal FOIA suits.

HEANEY'S FOIA REQUEST AND CIA'S IMPROPER DENIAL

6. On May 27, 2016, HEANEY requested all records related to the CIA's policy, involvement with, influence on, attempted or contemplated influence on, advice or other communications regarding the topic of U.S. non-military economic development aid to foreign states. A true and correct copy of the May 27 request is attached as Exhibit A.

7. On June 10, 2016, CIA responded that the May 27 request fell "outside the scope" of the CIA and recommended that HEANEY make the request from DEPT. OF STATE instead. A true and correct copy of the June 10 response is attached as Exhibit B.

8. On August 18, 2016, HEANEY appealed CIA's denial of the May 27 request. A true and correct copy of the August 18 appeal is attached as Exhibit C.

9. On September 2, 2016, CIA asked HEANEY to provide further clarification regarding his May 27 request and stated that HEANEY's appeal could not be processed yet because CIA had not issued an adverse determination. A true and correct copy of the September 2 email is attached as Exhibit D.

10. On September 6, 2016, HEANEY responded providing further clarification and explaining more precisely the subject matter he was interested in. HEANEY stated he was interested in records addressing, among other things, to what extent US foreign economic development aid programs have been influenced by or have involved cover CIA activity, objectives or collaboration. HEANEY proceeded to go into further detail and provide both older and more recent examples of what he meant. A true and correct copy of the September 6 response is attached as Exhibit E.

11. On September 27, 2016, CIA requested HEANEY further narrow his request by providing a list of specific countries with date ranges or providing a list of specific events

relating to U.S. foreign economic development. A true and correct copy of the September 27 response is attached as Exhibit F.

12. On September 27, 2016, HEANEY responded to CIA by providing a list of 35 countries with a date range of September 18, 1947, to September 18, 2016. A true and correct copy of the September 27 response is attached as Exhibit F.

13. On October 6, 2016, CIA acknowledged receipt of HEANEY's September 27 communication narrowing the request. CIA also waived the fees associated with the request. A true and correct copy of the October 6 request is attached as Exhibit G.

14. On November 7, 2016, HEANEY emailed CIA asking for an estimated date for completion. A true and correct copy of the November 7 email is attached as Exhibit H.

15. On November 7, 2016, CIA responded that May 2017 was the estimated date for completion of the request. A true and correct copy of the November 7 email is attached as Exhibit H.

16. On August 10, 2017, having heard nothing further from CIA, HEANEY requested an updated estimated date of completion. The email is attached as Exhibit I.

17. As of the date of filing HEANEY has received no further communication from CIA.

COUNT I – CIA'S VIOLATION OF FOIA

18. The above paragraphs are incorporated herein.

19. Defendant CIA is an agency subject to FOIA.

20. The requested records are not exempt under FOIA.

21. Defendant CIA has refused to conduct a reasonably timely search for the records.

WHEREFORE, HEANEY asks the Court to:

- i. Order CIA to produce the requested records;

- ii. Award HEANEY attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

RESPECTFULLY SUBMITTED,

/s/ Joshua Hart Burday

Attorneys for Plaintiff
HUNTER HEANEY

Matthew Topic
Joshua Burday
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, IL 60607
(312) 243-5900
matt@loevy.com
joshb@loevy.com